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Government Imperilled.

By T. A. Junkin

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IS OUR REPRESENTATIVE GOVERNMENT IM- PERILED?

By

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IS OUR REPRESENTATIVE GOVERNMENT IMPERILED?

FELLOW ALUMNI, LADIES AND GENTLEMEN: More than a quarter of a century ago I stood upon this rostrum as a member of the graduating class, and with all the ardor of youth discussed before an audience much like this a period in the history of our country that contained in it greater peril and danger than the Republic had known. The great struggle between the North and the South was imagined by the European world to mark the end of a splendid but vain attempt to found a new form of government for freemen. The expectations of the world were not realized. That stupendous conflict brought a peril to the Union that was extreme, but at no time did it threaten the fundamental principles of civil and political liberty which were embodied by the founders of representative republican government in our Constitution. Those principles, even though the Union had been disrupted, would not have perished from the face of the earth; they found equal lodgment in the constitution of the Confederate States and in the hearts and minds of the whole American people. Each of the unions of States that might have resulted from a disruption of the original Union would have preserved in its constitution the same safeguards to civil and political liberty that distinguishes the Constitution of their fathers.

But to-day we could not speak with such confidence. While the South still stands firmly on the foundations laid by our founders, other parts of our land are not so conservative. Even as we speak, powerful and influential forces are at work, which, in the judgment of many, are undermining our fundamental laws and preparing for our people perils of which they do not dream and which few of them are able to understand. These perils, if real, are graver than any that have heretofore threatened our form of government, our happiness, and our orderly safety under law. It is of these perils that I would speak to you to-day.

In the last analysis, ignorance and selfishness are the supreme and only enemies to human happiness and human order. If only we could, as in the ancient gathering of the hundred, in Old England, or in the later town meeting of New England, gather all of our hundred million countrymen under one wise voice at one time, and make them see and know the truth, that truth in its mightiness would prevail; that truth would make and keep them free; their eyes would be opened to an understanding of the means by which the civilization of the world has been won; the lessons of history would be understood and applied; and the voice of the demagogue and the self-seeker would no longer be heard in the land.

But a town meeting of a hundred million people can not be held. These two arch enemies to good government must in our diverse and widely scattered population be met in other ways; ignorance by intellectual education; selfishness by moral education. Therefore, to you men of learning—you men of the college and the seminary, young and old—I bring to-day an appeal of patriotism.

It is a note of alarm that I desire to sound. Our Constitution is in danger and as a Nation we do not know it. Even those of us who think are inclined to treat lightly the suggestion that any danger can come to our well-founded liberties in America. With our American optimism we find it difficult to believe that fundamental and destructive changes in our form of government are imminent. We put aside as impossible the suggestion that the present order, established by our fathers, can be overthrown. "Why," we say, "if any man should try to override our fundamental laws, the people would rise in their might." It is true, they may rise in their might, but they may rise to follow men who are boldly advocating doctrines that are as the ax at the very root of our representative government. Our chief peril lies in the fact that we seem unaware of this truth. Let him that thinketh he standeth take heed lest he fall. The old wares, under the name of "New nationalism" now being hawked for votes in the political market by men of power and influence, would inevitably lead to a fundamental change of our form of government—a change from a representative republic to a socialistic democracy. A democracy like that of the ancient Greeks, who, being unprotected from their own enthusiasms, emotions, and ephemeral passions by those wise restraints and balances conceived and adopted by our founders, often "rose in their might" and rushed headlong in their ignorance, as their demagogues and their passions led, until after a brief career, wonderful Greece, resplendent in every art but that of government, plunged to its death.

When I was a student in these halls there occurred an event that shook your State to its very foundations and compelled your governor to call upon the soldiers of the Republic for aid and protection against its own citizens. In your chief city there had been growing a popular indignation against the corruption of the political gangsters and bosses. Finally it was believed by the people that the very courts themselves had become venal. When at last a notorious criminal was let off easy, escaping what the popular mind deemed adequate and just punishment for his crimes, a wave of indignation swept into the great music hall of that city a concourse of citizens such as had never gathered there before. They met for the purpose of denouncing the evils and determining what had best be done. One after another leading citizens—editors, ministers of the Gospel, lawyers, and business men—denounced the outrage and aroused to flame the passions of this mass of men. A committee was appointed to devise and report a course of procedure and the meeting adjourned; but as the great audience poured into the streets it did not scatter. The fire was in its veins. It could not wait for calm and orderly procedure; its passions had been aroused to the acting point. The cry arose, "On to the jail!" and the crowd surged thither. A stone was cast, and another. Within a few moments telegraph poles were razed and were battering in the gates and doors of the jail in search of the criminal who was supposed to be yet there. In anger at their ineffectual efforts to find the criminal they sought, the mob freed all the inmates of the jail and then moved upon the courts. In the dead of night bonfires were piled and lighted in the venerable and historic courthouse. The frenzied mob refused to permit fire engines to extinguish the flames. Before morning the priceless records of a century had been irrecoverably destroyed. Like wildfire the riot

spread to every part of the city. The rioters were now governed by no reason. Seemingly they had no purpose but pillage and public defiance of law and order. The evil elements of the city were now in control. Stores and shops on every side were broken into and looted by mobs. Streets were torn up and barricades built, as in the days of the Commune in Paris. From behind these the mob defied the police and the State militia. At the end of two weeks the governor of the State was forced to call upon the Federal Government for aid and not until the United States troops, with Gatling gun and rifle, had attacked and captured and destroyed, one after another, the street redoubts of the mob and held the city under martial law, was order restored.

Here was a movement originating in the highest and best elements of society, the sole purpose of which was the public welfare; the sole aim of which was to right great wrongs. Note how rapidly it degenerated under the passions of the multitude into an intemperate and uncontrolled mob, in which law and order and the public welfare were forgotten. Note how the selfish and evil man, the dangerous element of the community, saw quickly and took advantage of the opportunity it gave to advance selfish ends.

Again—a few years ago—there began a movement in our country, founded at first in wisdom and justice, to right certain evil conditions that through years and through natural human competition had become identified with the life and management of great corporations. This movement, at first dignified and thoughtful, soon, under the intemperate speech of men, many of them well meaning, swelled into a great wave of more or less unintelligent public feeling that has swept the country from ocean to ocean. The popularity of this movement did not escape the self-seeking politician and he mounted its crest and rode into power. The newspaper lost no time or opportunity in increasing the public clamor and incidentally its own circulation. The magazines and the weekly periodicals saw they were being left behind and girded up their loins. The field of the railroads and the trusts was soon harvested and the now thoroughly excited public passion looked for other fields of reform. Muckraking began. Cheap magazines multiplied and fed the passions of the multitude. Other victims must be found. All business was crooked. Everybody was bad. Everything that was was wrong. All must be reformed. The laws were evil or ineffectual and should be disregarded. The courts were venal and should be abolished or recalled. Men must be made good—by law if possible, by force if necessary, but they must be made good. Eventually the whirlwind of the tempest was reached when the Chief Magistrate himself boldly disregarded or refrained from enforcing the law that he had sworn to uphold, and, if we may judge from his angry and intemperate criticisms, would, if he had dared, have swept from its seat that supreme tribunal created under the Constitution as a check upon the powers of the executive and legislative branches of the Government. Out of this melee sprang up the cult of “new nationalism.”

In such crises the necessity becomes evident for a constitution that will save us from our own rash and ill-considered actions and protect us against usurpations of power by any branch of the Government.

The curious notion is now generally and seemingly effectively preached by the politician that there exists somewhere and somehow

an all-wise and beneficent entity, called "the people"—something different and opposite from individual human beings and free from their limitations and defects—and that this all-wise and beneficent entity will take care of us better than we can care for ourselves if only by electing the politician we will let him give this all-beneficent "the people" the opportunity. That this is sheer nonsense does not seem to interfere with its popularity. It gets the votes even though it is contradicted by history and repudiated by common sense. Human society is not and can never be anything more than the sum total of the individuals who compose it and can not possibly have excellencies of its own which are not found in the people themselves. The voice of the people has never been and can never be the all-wise voice of God. And yet to-day we see men of great power, men of undoubted intelligence, men of seeming sincerity, seeking to ride into power chiefly on this absurd doctrine, advocating as the method of giving the all-wise people an opportunity the initiative, the referendum, and the recall as a substitute for those fundamental and diametrically opposed principles which are the basis of representative government and are the chief distinction of the Constitution of the United States.

We can not have the prominent men, or the most conspicuous men, or the most noteworthy men, or the most notorious men in the public life of a nation seriously proposing these fallacious doctrines without danger that is real and great. It is no longer possible to say that those fundamental guaranties of representative government are not really questioned or doubted. Every single one of them is questioned and doubted in this country. One State after another, with seeming lightness and frivolity and without understanding the purport of its action, has adopted into its fundamental law principles of the social democracy which are essentially opposed to representative government. We may close our eyes if we like. We may with our American sense of security say, "It will all come out all right." Perhaps it will. I believe it will. But the fact remains that there are many of us who are convinced that the fundamental guaranties which underlie our whole National Government, and our Nation's life can not be destroyed—can not be attacked—can not even be made light of without serious danger to our entire political fabric. We must not awake to our danger too late. Eternal vigilance is the price of liberty. If the foundation crumbles we are gone. The first blow struck at the corner stone should awaken us to action. And yet we have witnessed blow after blow with seeming inaction; without any widespread and realizing protest. Consider but a few of them:

The Attorney General of the United States, the chief law officer of the Nation, the head of the United States Department of Justice and a member of the President's Cabinet, has urged that the Government be intrusted with the power to fix the prices at which shall be bought and sold the principal articles that we make, eat, and wear. He proposes that the Government take possession of the industry of a nation of a hundred million souls. This means that the Government of the United States shall undertake what even medieval tyrants shrank from after trial. This means not merely social democracy. It means socialism, pure and simple. This is what Carl Marx has preached. This is what Bebel and Liebknecht in Germany never

ventured to propose; what Jaures in France would shrink from as a practical measure; what the parliamentary socialists of England would scarcely dare to suggest in their official capacity. And yet the Attorney General of the United States, with all the influential force of his high office, urges it upon the people as if the American Republic were a crumbling shell and the days of liberty, the days of individual effort, the days of personal independence and of personal rights were already fading away into the tyranny which bygone ages tried to reach but failed to realize.

Again, we see a Senator of the United States associating himself with other Senators to bring about a recall of the Supreme Court judges when on the law and the evidence they render a decision which displeases the people, who have read neither the law nor the evidence.

Again, we see a Senator of the United States associating himself with other Senators of the United States to debar—legally debar—the courts from pronouncing any act of Congress unconstitutional; that is, to allow Congress to abolish any or all of the Constitution; to vote away by a bare majority of that body the constitutional safeguards against cruel and unusual punishment, against the confiscation of private property, against special class legislation, exempting some and disabling others, and so on back to the erasure of the Bill of Rights, the Magna Charta, and every other measure of what has been considered right, justice, equity, and safeguard for the citizen, his life and his property, since there has been an English language.

This clamor has produced results. We have recently seen the people of California and Arizona adopt without due consideration doctrines which, when examined in the light of reason and history, can not fail to be recognized as subversive of representative government. But the people in those States seem not to have examined these doctrines in the light of reason and history, or in any other light, because, as I say, they have acted without due consideration. They have accepted the mere statement that here was something new and up to date and therefore good; that here was something which would be a preventive of all the fancied wickedness which, it is claimed, permeates and controls our people and our country. Take California, for instance. The vote which adopted 23 or 24 amendments to the constitution of that State, including the referendum, the initiative, and the recall, was adopted by a startlingly small minority of the people. The aggregate vote did not approach in magnitude the vote of a presidential year. The people treated the matter of adopting fundamental changes in their form of government lightly. They did not realize that they were fundamental changes. They did not see their application in history, and so California adopted the initiative, the referendum, and the recall, including the recall of judges, by a vote which was 30,000 less than the State gave for Mr. Bryan when he was there defeated by 90,000. Is not this action without due consideration? Is this not lightly and frivolously departing from our form of government without being aware of it?

Here in your own State of Ohio a great deliberative body has just completed its task of revising your constitution. Before many days it will become the duty of your citizens to vote upon the adoption of no less than 42 important changes in your organic law. It is cause for congratulation that not all of them are radical or, as the New Nationalist calls it, "progressive." Nevertheless, among them are

the initiative and the referendum, and there are others that tend to the subversion of the sound principles of our fathers. Is it not your patriotic duty to sift with care each of these proposed changes in your constitution and to place your disapproval upon all that even tend to the reactionary principles of the initiative, the referendum, and especially of the recall, whether of the elective and legislative officials or of the judiciary? I call these doctrines reactionary because, notwithstanding the name "Progressive," given them by their advocates, they are essentially reactionary as distinguished from progressive. They all proceed from the complex, which is necessary in the present evolution and development of civilization, back to the simple, which may have been adequate in the early stages of civilization, when all the subjects of a law could gather together in one field and discuss its wisdom.

What does the initiative mean? It means that a certain small percentage of voters can propose and cause a law to be placed upon the ballot. If it receives a majority vote it becomes operative forthwith without submission to the legislature; without deliberative discussion. It does not undergo the careful consideration of selected representative men, Members of not one but of two Houses of Congress, in order that it may be well considered and digested; in order that the people may be protected against their own errors or rashness. It is advanced on the false and absurd theory that every voter will acquaint himself with the provisions of each proposed law. Whereas we all know that few voters ever read even those laws that vitally affect their persons and their property. The law thus initiated can not be examined and corrected in committee. It must be taken or left precisely as this small percentage of voters have conceived and formulated it. It has been well said that it places the people who are to vote on it in the position of the witness who must answer "yes" or "no," the question: "Have you left off beating your mother-in-law?" It is far more vicious than the referendum, because it is intended to force a proposal for legislation upon the people at the demand of a very small number of persons which must be passed on without amendment; without any opportunity to perfect it even in phraseology; without any chance to duly reflect upon and consider it. It will remove the last inducement to bring able, reflective, and intelligent men to accept service in a legislative body. And, finally, it is not a policy which makes for stable and consistent government. To those of us who believe we must establish our institutions of government upon such stable foundations that they will not be subject to every wave of sentimental reform, every whim of opportunism, the suggestion of the initiative is utterly repugnant.

The so-called referendum, while often mentioned in the same breath, differs widely from and has no relationship to the initiative. It is, in effect, a popular veto on the acts of the legislature and makes it possible for a small percentage of voters or for the legislature itself to require the submission to a vote of the people of a law passed by the legislature before it shall become operative. At once it appears how it may be made the means of obstructing the wheels of government when invoked by a small percentage of voters; how at once it affords an opportunity for the cowardly legislator to shirk responsibility by tacking a referendum to laws upon which he should be best qualified and courageous enough to decide. Both of these

governmental measures would undermine the strength, the independence, and the power of the legislature.

The very necessity for legislatures is called for in our form of government in order that different views may be studied and compared; in order that acts may be considered and perfected by hearing all parties and all interests; in order that amendment and discussion may be possible; in order that in the light of history the results of such legislation may be considered and reflected upon. The initiative and the referendum do away with all of this, thus undermining one of the greatest benefits of representative government. In the well-known case of *Barto v. Himrod*, decided by the Court of Appeals of the State of New York more than 50 years ago, the court laid down the true doctrine in these words:

The representatives of the people are the lawmakers and they are responsible to their constituents for their conduct in that capacity. By following the directions of the Constitution each member has an opportunity of proposing amendments. The general policy of the law as well as the fitness of its details is open to discussion. The popular feeling is expressed through their representatives; and the latter are enlightened and influenced more or less by the discussion of the public press.

A complicated system can only be perfected by a body composed of a limited number, with power to make amendments and to enjoy the benefit of free discussion and consultation. This can never be accomplished with reference to such a system when submitted to a vote of the people. They must take the system proposed or nothing. They can adopt no amendments, however obvious may be their necessity * * *. All the safeguards which the Constitution has provided are broken down and the members of the legislature are allowed to evade the responsibility which belongs to their office. * * * If this mode of legislation is permitted and becomes general, it will soon bring to a close the whole system of representative government which has been so justly our pride. The legislature will become an irresponsible cabal, too timid to assume the responsibility of lawgivers and with just wisdom enough to devise suitable schemes of imposture to mislead the people.

All the checks against improvident legislation will be swept away and the character of the Constitution will be radically changed.

The recall of elective and legislative officials is not a violation of the fundamental principle of representative government as are the initiative and referendum. Its tendency, however, would inevitably be to keep high-minded and independent men out of public life. It will make office seekers and officeholders instead of statesmen. It will make timorous and unprincipled trimmers instead of fearless lawmakers and executives.

When, however, this principle of the recall is applied to the judiciary it becomes not only a stupid folly, but an outrage of the highest order. It is claimed that the judges are the servants of the people and that therefore the people should be able to terminate their services at will. The judges are not and should never be the servants of the people in this sense. They are the protectors of the people and the guardians of their rights. They are and should be the servants only of the law. They are not set up to express their own personal opinions or those opinions which they conceive to be popular, but to construe the law as it exists. With reference to our fundamental law they stand to guard our Constitution and to see that the powers and duties which are granted the representatives of the people and placed in the hands of the Chief Magistrate and other executives are exercised as provided by the Constitution and without overstepping its bounds. There could be no more monstrous perversion of republican institutions and of the principles of true democracy than to make the actions or words of a judge the subject matter of popular

revision by the suffrage of the people. If followed to its logical conclusion the recall of judges would mean that the Nation would have no constitution and that questions would be decided not according to law, but according to the judges' interpretation of popular sentiment. It makes of our Constitution a mere liquid thing so that a popular majority may flood every branch of government and drown out with the momentary partisanship of that majority every guarantee and every check that our fathers put into the Constitution. The proposition strikes at the very heart of our representative plan of government, denying in effect the judicial department. It deprives the minority and so the individual of the protection of the courts against the tyranny of the majority. It paralyzes the independence of the judge, destroys his courage, and takes away every essential feature of his office. It assumes to the people, without conference or deliberation, the wisdom and judgment of the courts, and that without knowledge of the law or the facts. It gives disappointed litigants opportunity to destroy the just and upright judge. And it affords the vicious agitator and noisy demagogue an opportunity to wreak vengeance upon the judge who denies their follies.

The anarchist and the dynamiter understand what a splendid weapon for destruction it would place in their hands. While the McNamara brothers were being tried in California for the wholesale murders which they later confessed, Eugene V. Debs, one of the chief apostles of anarchy and lawlessness, wrote an editorial in his paper, the Appeal to Reason, in relation to the California election then approaching, at which the recall of judges was adopted as an amendment to the constitution of that State. From that editorial I quote:

The fight at the polls this fall will center around the adoption of the initiative, referendum, and recall amendments to the constitution. Under the provisions of the recall amendment the judges of the Supreme Court of California can be retired. These are men who will decide the fate of the kidnaped workers. Don't you see what it means, comrades, to have in the hands of an intelligent, militant working class the political power to recall the present capitalist judges and put on the bench our own men? Was there ever such an opportunity for effective work? No; not since socialism first raised its crimson banner on the shores of Morgan's country. The election for governor and State officers of California does not occur until 1914. But with the recall at our command we can put our own men in office without waiting for a regular election.

Can any man of sincerity who is sane support such a public policy as this?

Now, let us consider briefly, for our time does not permit of more, that Constitution under which we have advanced and expanded in a hundred years more rapidly and more splendidly than any nation that has come upon the theater of this world. Although it may be read through aloud in 20 minutes, too few of us are as familiar with it as we should be. Perhaps no instrument known to history contains in such brief space so many momentous rules on a vast range of matters of the highest importance and complexity. It has been the admiration of the profoundest thinkers of the world. Few, if any, of the writings of the world, except the New Testament, have engaged the time or attention of mankind as the American Constitution, in weighing, discussing, and analyzing its text. Historians and students agree that its makers brought to its making a knowledge of the theory and practical workings of govern-

ment such as has accompanied the formulation of no other similar document in the history of the world before or since. In comparing it to the unwritten constitution of the British, Gladstone said: "The American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man."

The men who brought their intellects together for its forming were well prepared through reading and reflection and practical experience for the huge task before them and their writings and public discussions show that they fully realized the vast significance of the great work they had undertaken to achieve; that they had deeply considered the histories of other peoples from the beginnings of recorded history and knew their forms of government; that they were familiar with the story of Greece, of Rome, of Venice, of Florence, of medieval Europe, and that they had distinguished those principles of government that had proved weak and inefficient from those that had fostered the growth of freemen and the advance of civilization under law. With the wisdom born of this knowledge and after months of deliberation and discussion, they delivered to the American people a representative republic. A republic wherein representatives chosen by the people should, under rules carefully limiting their powers and jealously guarding the rights of the minority and of the individual against the usurpations and tyranny of the majority, make their laws and administer their affairs. A republic wherein the ambitious executive, seeking to override the laws and usurp powers not granted him by the people, was halted on the one hand by the Congress and on the other by the Supreme Court. A republic wherein the rights of the minority and of every individual citizen, however humble, are safely guarded against a tyrannous majority or a dictator President by a court whose voice is supreme.

They considered and avoided a social democracy wherein the people vote on and the majority decide, without possibility of real deliberation, all questions of government, changing, as passion or momentary whim dictates, their fundamental law. How is it possible for one hundred million people, half informed or misinformed and more than semi-ignorant, to deliberate? Not even in Athens, whose enlightenment has been the glory of all ages, could the pure democracy survive. There acts of government were had directly by the people, just as it is proposed we shall now do by the initiative, the referendum, and the recall. In Athens the people assembled en masse and deliberated on and discussed proposed laws, with the most notable orators of history to expound them. But there were only 30,000 of the Athenian voters and they all in one city, as against our scattered millions. Furthermore, the Athenians excluded from the suffrage the slaves and the ignorant; and yet even in Athens the initiative, the referendum, and recall democracy failed utterly. Again and again the majority, in the heat and inconsideration of partisanship, swept aside with tyranny and revolution the rights of the minority and the individual citizen. Aristotle himself has pointed out to us how the democracy became a despotism and our own great Calhoun showed us in his day the menace to our Government of the uncontrolled numerical majority, declaring it to be nothing less than the absolute and despotic form of popular government, just as the uncontrolled will of one man is monarchy. Without control of the majority there can be no liberty in a republic. It would not be in

our day as difficult a matter in any part of the civilized world for a majority to become despotic as for a monarch to become a tyrant. Can we not see, without straining the imagination, a despotic majority in Congress led by some ambitious President sweeping aside decisions of our Supreme Court that were the only restraint upon that leader's ambitions and usurpation of power? Have we any more reason to suppose that those who seek to accomplish their will concerning the political and social questions of our day are more sincere in their convictions than were those who in other times and in other lands have stained the earth with the blood of countless thousands in the conflicts between religions and sects, between races and classes of men, or that they are more sincere than those who in more recent times have by appeal to arms kept the constitutional Republics of Central and South America in a state of almost perpetual revolution. The appeal to prejudice and passion and hatred finds its natural sequence in appeals to force and in destruction of order. That you may see it is no idle dream of danger that we are considering, I will read to you an almost prophetic utterance of Abraham Lincoln. Speaking in 1837 to a gathering of young Americans at his home, he said:

☛ All the armies of Europe, Asia, and Africa combined * * * could not by force take a drink from the Ohio or make a track on the Blue Ridge. * * *

At what point, then, is the approach of danger to be expected? I answer, If it ever reaches us it must spring up amongst us; it can not come from abroad. If destruction be our lot, we must ourselves be its author and its finisher. As a nation of free-men we must live through all time or die by suicide.

I hope I am overwary; but if I am not, there is even now something of ill omen amongst us. I mean the increasing disregard for law which pervades the country—the growing disposition to substitute the wild and furious passion in lieu of the sober judgment of courts and the worse than savage mobs for the executive ministers of justice. * * *

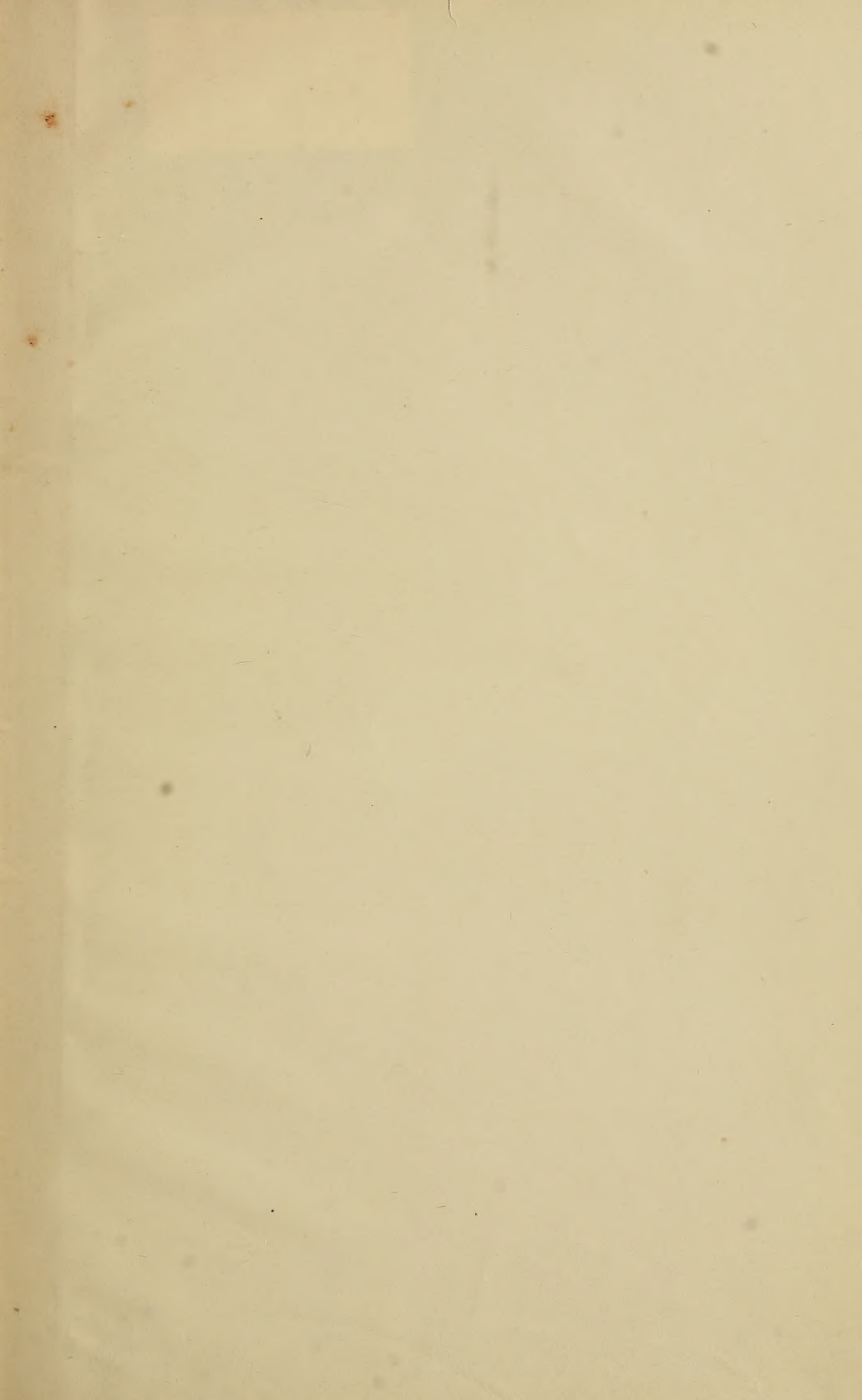
I know the American people are much attached to their Government; I know they would suffer much for its sake; I know they would endure evils long and patiently before they would ever think of exchanging it for another; yet, notwithstanding all this, if the laws be continually despised and disregarded, if their rights to be secure in their persons and property are held by no better tenure than the caprice of a mob, the alienation of their affections from the Government is the natural consequence; and to that, sooner or later, it must come. * * *

When I so pressingly urge a strict observance of all the laws let me not be understood as saying there are no bad laws or that grievances may not arise for the redress of which no legal provisions have been made. I mean to say no such thing, but I do mean to say that although bad laws, if they exist, should be repealed as soon as possible, still, while they continue in force, for the sake of example they should be religiously observed. * * * There is no grievance that is a fit object of redress by mob law. * * * But it may be asked, "Why suppose danger to our political institutions?" * * * We hope there is no sufficient reason. We hope that all danger may be overcome; but to conclude that no danger may ever arise would itself be extremely dangerous. There are now, and will hereafter be, many causes, dangerous in their tendency, which have not existed heretofore, and which are not too insignificant to merit attention. That our Government should be maintained in its original form, from its establishment until now, is not much to be wondered at. It had many props to support it during that period, which are now decayed and crumbled away. * * * Then all that sought celebrity and fame and distinction expected to find them in the success of that experiment. Their all was staked upon it; their destiny was inseparably linked with it. * * * If they succeeded, they were immortalized; their names were to be transferred to counties and cities and rivers and mountains and to be revered and sung, toasted through all time. If they failed, they were to be called knaves and fools, and fanatics of a fleeting hour; then to sink and be forgotten. They succeeded. The experiment is successful, and thousands have won their deathless names in making it so. But the game is caught. * * * This field of glory is harvested, and the crop is already appro-

priated. But new reapers will arise, and they, too, will seek a field. It is to deny what the history of the world tells us is true to suppose that men of ambition and talents will not continue to spring up among us. And when they do, they will naturally seek the gratification of their ruling passion as others have done before them. The question then is, Can that gratification be found in supporting and maintaining an edifice that has been erected by others? Most certainly it can not. Many great and good men, sufficiently qualified for any task they should undertake, may ever be found whose ambition would aspire to nothing beyond a seat in Congress, a gubernatorial or a presidential chair; but such belong not to the family of the lion or the tribe of the eagle. What! Think you these places would satisfy an Alexander, a Cæsar, or a Napoleon? Never. Towering genius despises a beaten path. It seeks regions heretofore unexplored. It sees no distinction in adding story to story upon the monuments of fame erected to the memory of others. It denies that it is glory enough to serve under any chief. It scorns to tread in the footsteps of any predecessor, however illustrious. It thirsts and burns for distinction; and if possible it will have it, whether at the expense of emancipating slaves or enslaving freemen. Is it unreasonable, then, to expect that some man possessed of the loftiest genius, coupled with ambition sufficient to push it to its utmost stretch, will at some time spring up among us? And when such a one does, it will require the people to be united with each other, attached to the Government and laws, and generally intelligent, to frustrate his designs. Distinction will be his paramount object, and although he would as willingly, perhaps more so, acquire it by doing good as harm, yet that opportunity being passed and nothing left to be done in the way of building up, he would set boldly to the task of pulling down.

Since the adoption of this Constitution a phenomenal growth has extended our dominion from sea to sea and to the islands of the seas, and our population has increased to its present vast numbers. We have passed through changing conditions and crises which could not have been contemplated or even conceived by the framers of our Constitution, and yet within its brief rules have been found provisions to successfully meet every condition that has confronted our Government; every change that has come to us. Instead of obstructing, it has moved arm in arm with progress. No expansion has been too rapid; no development has been too wide or too complex to be adequately provided for within its covers. Do we desire to retain the advantages of the Government thus so successfully established by our fathers? Do we wish to maintain and strengthen those advantages? Let us then jealously guard its distinctive characteristics. Let us actively and intelligently oppose the tendency toward their elimination and the reversion to the types that have been rejected wherever tried. Thus, and thus only, can we transmit unimpaired to those that come after us our priceless heritage of civil and political liberty.





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